

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1243

Introduced by Assembly Member Bonnie Lowenthal

February 27, 2009

An act to ~~amend Section 34501~~ *add and repeal Section 34503.5* of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1243, as amended, Bonnie Lowenthal. ~~Commercial motor vehicles: safe operation.~~ *South East Los Angeles County Commercial Vehicle Network Development and Advisory Committee.*

Existing law requires the Department of the California Highway Patrol to adopt reasonable rules and regulations that, in the judgment of the department, are designed to promote the safe operation of specified commercial vehicles, regarding, among other things, inspection and maintenance of vehicles *and to adopt procedures for the enforcement of these rules and regulations.*

~~This bill would make a technical, nonsubstantive change to these provisions.~~

This bill would, until January 1, 2012, establish the South East Los Angeles County Commercial Vehicle Network Development and Advisory Committee in the Business, Transportation and Housing Agency to develop a work program that will optimize the effectiveness and efficiencies of the commercial vehicle enforcement network in South East Los Angeles County through a multiagency collaborative effort focused on addressing ongoing commercial vehicle enforcement issues and to recognize the potential benefits from specified technologies.

The bill would require the committee to report annually on or before December 31 of each year to the Governor, the Business, Transportation and Housing Agency, and the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing on the progress made towards implementation of the recommendations developed to improve commercial vehicle enforcement in South East Los Angeles County pursuant to a specified list of 12 objectives, that include, among other things, review of Vehicle Dimension-in-Motion (VDIM) and Automated Vehicle Identification (AVI) devices as a legal enforcement tool.

The bill would require that the committee consist of 3 specified members, that the members of the committee serve without compensation, and that no state funds be used to compensate the members for expenses incurred in the performance of their official duties. The bill would also provide that the committee may accept grants from federal or local public agencies or from private sources in order to assist it in carrying out its duties and functions under these provisions.

*Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.*

The people of the State of California do enact as follows:

1 SECTION 1. Section 34503.5 is added to the Vehicle Code, to
2 read:
3 34503.5. (a) There is hereby established in the Business,
4 Transportation and Housing Agency the South East Los Angeles
5 County Commercial Vehicle Network Development and Advisory
6 Committee, which shall be convened on or before April 1, 2010.
7 The goal of the committee is to develop a work program that will
8 optimize the effectiveness and efficiencies of the commercial vehicle
9 enforcement network in South East Los Angeles County through
10 a multiagency collaborative effort focused on addressing ongoing
11 commercial vehicle enforcement issues and to recognize the
12 potential benefits from emerging technologies. The activities of
13 the council are intended to contribute to maintaining the state's
14 strategic advantage through improved decisionmaking and prudent
15 and adequate investment.
16 (b) The committee shall report annually on or before December
17 31 of each year to the Governor, the Business, Transportation and
18 Housing Agency, and the Assembly Committee on Transportation

1 *and the Senate Committee on Transportation and Housing on the*
2 *progress made towards implementation of the recommendations*
3 *developed to improve the commercial vehicle enforcement in South*
4 *East Los Angeles County pursuant to the objectives set forth in*
5 *subdivision (f).*

6 *(c) The committee shall consist of three members. The Secretary*
7 *of Business, Transportation and Housing shall appoint one member*
8 *each from nominations provided by the Gateway Cities Council*
9 *of Governments (COG), the Director of Transportation (Caltrans),*
10 *and the Commissioner of the California Highway Patrol (CHP).*
11 *The Secretary of Business, Transportation and Housing shall*
12 *designate a chair and vice chair.*

13 *(d) Members of the committee shall serve without compensation,*
14 *and no state funds may be used to compensate the members for*
15 *expenses incurred in the performance of their official duties.*

16 *(e) The committee shall be responsible for development of a*
17 *work program and coordinating efforts of the participating*
18 *agencies in implementation efforts. The committee shall from time*
19 *to time consult stakeholders affected by the work plans as they are*
20 *developed. The stakeholders should include, at a minimum,*
21 *representatives from trucking organizations, labor organizations,*
22 *businesses engaged in commercial vehicle operations, and the San*
23 *Pedro Bay Ports.*

24 *(f) The committee shall consider the following activities, which*
25 *address areas to be emphasized, including, but not be limited to,*
26 *major policy issues related to commercial vehicle enforcement:*

27 *(1) Evaluate the current commercial vehicle fine structure and*
28 *the relative distribution of the resulting revenues.*

29 *(2) Evaluate the potential to standardize fine structure and*
30 *process.*

31 *(3) Make recommendations as to whether it is desirable to relate*
32 *the level of fines to the level of damage to infrastructure and the*
33 *risk of harm to people.*

34 *(4) Review current statutory authority for rerouting vehicles.*

35 *(5) Review role of transponders or other technology devices in*
36 *relation to registration of commercial vehicles.*

37 *(6) Review Weigh-in-Motion (WIM) devices as a legal*
38 *enforcement tool.*

39 *(7) Review Vehicle Dimension-in-Motion (VDIM) devices as a*
40 *legal enforcement tool.*

1 (8) Review Automated Vehicle Identification (AVI) devices as
2 a legal enforcement tool.

3 (9) Review Automated Driver Identification (ADI) devices as a
4 legal enforcement tool.

5 (10) Review Automated Load Identification (ALI) devices as a
6 legal enforcement tool.

7 (11) Evaluate the siting of truck enforcement facilities in South
8 East Los Angeles County.

9 (12) Evaluate the advantages and disadvantages in the
10 development of automated systems for truck enforcement and
11 inspection for South East Los Angeles County.

12 (g) The committee shall provide a summary of its
13 recommendations regarding all action items to each member
14 agency prior to submitting the annual report required pursuant
15 to subdivision (b).

16 (h) Initial tasks for the steering committee shall be the
17 development of a work program that results in the development of
18 a series of specific targeted actions in conformance with each of
19 the following four major action steps to address the areas to be
20 emphasized as specified in subdivision (f):

21 (1) Convening participants.

22 (2) Gathering and analyzing relevant data.

23 (3) Brainstorming of actions.

24 (4) Refinement of actions.

25 (i) The committee may accept grants from federal or local public
26 agencies or from private sources, in order to assist it in carrying
27 out its duties and functions under this section.

28 (j) This section shall remain in effect only until January 1, 2012,
29 and as of that date is repealed, unless a later enacted statute, that
30 is enacted before January 1, 2012, deletes or extends that date.

31 ~~SECTION 1. Section 34501 of the Vehicle Code is amended~~
32 ~~to read:~~

33 ~~34501. (a) (1) (A) The department shall adopt reasonable~~
34 ~~rules and regulations that, in the judgment of the department, are~~
35 ~~designed to promote the safe operation of vehicles as described in~~
36 ~~Section 34500, regarding, but not limited to, controlled substances~~
37 ~~and alcohol testing of drivers by motor carriers, hours of service~~
38 ~~of drivers, equipment, fuel containers, fueling operations,~~
39 ~~inspection, maintenance, recordkeeping, accident reports, and~~
40 ~~drawbridges. The rules and regulations shall not, however, be~~

1 applicable to schoolbuses, which shall be subject to rules and
2 regulations adopted pursuant to Section 34501.5.

3 (B) The rules and regulations shall exempt local law
4 enforcement agencies, within a single county, engaged in the
5 transportation of inmates or prisoners when those agencies maintain
6 other motor vehicle operations records that furnish hours of service
7 information on drivers who are in substantial compliance with the
8 rules and regulations. This exemption does not apply to a local
9 law enforcement agency engaged in the transportation of inmates
10 or prisoners outside the county in which the agency is located if
11 that agency would otherwise be required, by existing law, to
12 maintain driving logs.

13 (2) The department may adopt rules and regulations relating to
14 commercial vehicle safety inspection and out-of-service criteria.
15 In adopting the rules and regulations, the commissioner may
16 consider the commercial vehicle safety inspection and
17 out-of-service criteria adopted by organizations such as the
18 Commercial Vehicle Safety Alliance, other intergovernmental
19 safety group, or the United States Department of Transportation.
20 The commissioner may provide departmental representatives to
21 that alliance or other organization for the purpose of promoting
22 the continued improvement and refinement of compatible
23 nationwide commercial vehicle safety inspection and out-of-service
24 criteria.

25 (3) The commissioner shall appoint a committee of 15 members,
26 consisting of representatives of industry subject to the regulations
27 to be adopted pursuant to this section, to act in an advisory capacity
28 to the department, and the department shall cooperate and confer
29 with the advisory committee so appointed. The commissioner shall
30 appoint a separate committee to advise the department on rules
31 and regulations concerning wheelchair lifts for installation and use
32 on buses, consisting of persons who use the wheelchair lifts,
33 representatives of transit districts, representatives of designers or
34 manufacturers of wheelchairs and wheelchair lifts, and
35 representatives of the Department of Transportation.

36 (4) The department may inspect any vehicles in maintenance
37 facilities or terminals, as well as any records relating to the dispatch
38 of vehicles or drivers and the pay of drivers, to assure compliance
39 with this code and regulations adopted pursuant to this section.

1 ~~(b) The department, using the definitions adopted pursuant to~~
2 ~~Section 2402.7, shall adopt regulations for the transportation of~~
3 ~~hazardous materials in this state, except the transportation of~~
4 ~~materials that are subject to other provisions of this code, that the~~
5 ~~department determines are reasonably necessary to ensure the~~
6 ~~safety of persons and property using the highways. The regulations~~
7 ~~may include provisions governing the filling, marking, packing,~~
8 ~~labeling, and assembly of, and containers that may be used for,~~
9 ~~hazardous materials shipments, and the manner by which the~~
10 ~~shipper attests that the shipments are correctly identified and in~~
11 ~~proper condition for transport.~~

12 ~~(c) At least once every 13 months, the department shall inspect~~
13 ~~every maintenance facility or terminal of any person who at any~~
14 ~~time operates any bus. If the bus operation includes more than 100~~
15 ~~buses, the inspection shall be without prior notice.~~

16 ~~(d) The commissioner shall adopt and enforce regulations that~~
17 ~~will make the public or private users of any bus aware of the~~
18 ~~operator's last safety rating.~~

19 ~~(e) It is unlawful and constitutes a misdemeanor for a person to~~
20 ~~operate any bus without the inspection specified in subdivision (c)~~
21 ~~having been conducted.~~

22 ~~(f) The department may adopt regulations restricting or~~
23 ~~prohibiting the movement of any vehicle from a maintenance~~
24 ~~facility or terminal if the vehicle is found in violation of this code~~
25 ~~or regulations adopted pursuant to this section.~~